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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 4-12-71129 KAW
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER FOR CONTINUANCE FROM
v.)	DECEMBER 14, 2012, EXCLUDING
)	TIME FROM THE SPEEDY TRIAL ACT
LISANDRO VARGAS,)	CALCULATION 18 U.S.C. §
)	3161(H)(8)(A), AND WAIVING TIME
Defendant.)	LIMITS UNDER RULE 5.1

STIPULATION

With the consent of the defendant, the parties jointly request that the arraignment and preliminary hearing currently set for December 14, 2012 be re-scheduled for January 4, 2013, at 9:30 a.m. The parties stipulate to a waiver of time for the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b) from December 14, 2012 to January 4, 2013. The parties are currently engaging in plea negotiations, and the defense is in the process of reviewing discovery and conducting its investigation. Consequently, the parties agree as follows:

1. The defendant agrees to an exclusion of time under the Speedy Trial Act 18 U.S.C. § 3161(h)(7)(iv) to provide reasonable time necessary for effective preparation, taking

1 into account the exercise of due diligence.

2 2. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1
3 for preliminary hearing.

4 3. Counsel for the defense believes that postponing the preliminary hearing is in his
5 client's best interest, and that it is not in his client's best interest for the United States to indict
6 the case during the normal 14-day time limit established by Rule 5.1.

7
8 IT IS SO STIPULATED.

9 DATED: December 12, 2012

_____/s/

10
11 KEN WINE
Attorney for Defendant

12 DATED: December 12, 2012

_____/s/

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14 CHINHAYI COLEMAN CADET
Assistant United States Attorney

15 **~~PROPOSED~~ ORDER**

16 The Court finds as follows:

17 Based upon the foregoing stipulation and the parties' representation that they are
18 engaging in plea negotiations, reviewing discovery, and conducting investigation, the Court finds
19 that, taking into account the public interest in the prompt disposition of criminal cases, there is
20 good cause for extending the time limit for a preliminary hearing under Federal Rule of Criminal
21 Procedure 5.1, and to exclude time under the Speedy Trial Act. The Court further finds that the
22 ends of justice served by excluding the period from December 14, 2012 to January 4, 2013,
23 outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. §
24 3161(h)(7)(A) and (B)(iv).

25 Accordingly, and with the consent of the defendant, the Court continues the preliminary
26 hearing date from December 14, 2012 to January 4, 2013, at 9:30 a.m., and orders that the period
27 from December 14, 2012 to January 4, 2013 be excluded from the time period for preliminary

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3 hearings under Federal Rule of Criminal Procedure 5.1 and from the Speedy Trial Act
4 calculations under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

5 IT IS SO ORDERED.

6 DATED: 12/12/12


HON. KANDIS A. WESTMORE
United States Magistrate Judge